

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish A Framework for Network Architecture Development of Dominant Carrier Networks.

Rulemaking 93-04-003  
(Filed April 7, 1993)

Investigation on the Commission's Own Motion into Open Access and Network Architecture Development of Dominant Carrier Networks.

Investigation 93-04-002  
(Filed April 7, 1993)  
**(Verizon UNE Phase)**

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING IN PART MOTION TO COMPEL OF AT&T COMMUNICATIONS  
OF CALIFORNIA, INC. AND ESTABLISHING DISCOVERY CUT-OFF**

On December 23, 2003, AT&T Communications of California, Inc. (AT&T) filed a motion to compel Verizon California, Inc. (Verizon) to provide responses to all outstanding data requests in the "Verizon Unbundled Network Element (UNE) Phase" of this proceeding by January 6, 2004. AT&T further requests that the Commission order Verizon to serve objections to all future data requests within one week of issuance, and responses within two weeks, under penalty of possible sanctions if these deadlines are not met.

In response, Verizon explains that AT&T has issued over 500 data requests to Verizon from November 14, 2003 through December 17, 2003, and that the sheer number of questions propounded, coupled with the holiday time period and staff job transitions and separations, has led to some delays in responding

fully to all of these data requests within a two week time frame. Nevertheless, Verizon offers that it will respond on a rolling basis, as data is available, to the approximately 300 data requests still outstanding with a batch of information to be delivered to AT&T on January 9, 2004 and with all information provided by January 31, 2004.

AT&T's motion is granted in part. Verizon should provide responses to all outstanding data requests of AT&T by January 23, 2004. The January 6 response date requested by AT&T is not reasonable given the volume of data requested, but I will impose a deadline of January 23, 2004 on Verizon so that AT&T has the benefit of the information it requested in time to write its reply comments which are due on February 20, 2004. Furthermore, AT&T should provide Verizon a priority list of its outstanding data requests to assist Verizon in identifying the information AT&T believes it needs more quickly.

AT&T's motion is granted in part to order Verizon to serve objections to all future data requests within one week of issuance, and responses within two weeks, whenever possible. This one weekly/two week guideline should apply to all discovery by all parties in this case. AT&T's motion is denied to the extent it requests sanctions for failure to meet this one week/two week guideline for discovery. I do not agree that sanctions should automatically apply for failure to meet a one week/two week timeframe because the time required for some data requests can vary substantially depending on the complexity of the request, particularly in this proceeding examining complicated engineering and economic cost models. The one week/two week deadline is a guideline only, and is meant to expedite the requesting party's process for filing any motions to compel.

AT&T's motion is denied to the extent it requests Verizon to obtain an extension from the Commission for deviations from the one week/two week deadline. AT&T's request here is unnecessarily burdensome to the Commission and Verizon. If Verizon cannot meet the one week/two week timeframe, AT&T may meet and confer with Verizon and otherwise take steps necessary to file a motion to compel production so that the Commission may consider discovery disputes on a case-by-case basis.

Finally, I will establish a discovery "cut-off" date of January 30, 2004 in order to avoid further delays prior to the filing of reply comments on February 20, 2004. Parties should propound all data requests by January 30, 2004, either new ones or follow-up to prior requests. After the filing of reply comments on February 20, 2004, parties may engage in further discovery to assist them in filing their rebuttal comments on April 23, 2004.

Therefore, **IT IS RULED** that:

1. AT&T's December 23, 2003 motion to compel is granted in part to require Verizon to respond to all outstanding data requests by January 23, 2004.
2. AT&T's motion is granted in part as discussed herein to require Verizon and all parties to serve objections to all future data requests within one week of issuance, and responses within two weeks, whenever possible.
3. AT&T's motion is denied to the extent it requests sanctions for failure to meet the one week/two week timeframe.
4. AT&T's request to require Verizon to obtain an extension from the Commission for non-adherence to the one week/two week timeframe is denied.

5. Parties should propound all data requests by the January 30, 2004 discovery cut-off described in this ruling, until discovery reopens on February 20, 2004.

Dated January 15, 2004, at San Francisco, California.

/s/ Dorothy J. Duda  
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Dorothy J. Duda  
Administrative Law Judge

## CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting in Part Motion to Compel of AT&T Communications of California, Inc. and Establishing Discovery Cut-Off on all parties of record in this proceeding or their attorneys of record.

Dated January 15, 2004, at San Francisco, California.

/s/ Antonina V. Swansen  
Antonina V. Swansen

## N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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